

Serial No. 10/037,015

Page 6

### REMARKS

Claims 1-17 are pending in this application. By this amendment, claims 12 and 15 are amended for minor grammatical clarification purposes. Reconsideration in view of the following remarks is respectfully requested.

The Office Action rejects, under 35 U.S.C. § 102, claims 1-17 over Colsey (U.S. Application Publication No. 2003/0005429 A1). This rejection is respectfully traversed.

Applicant asserts that the subject matter of the rejected claims was invented prior to the effective date of the reference or activity on which the rejection is based.

In particular, in accordance with 37 CFR § 1.131, when any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based. The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). Furthermore, the showing of facts shall be such, in character and weight, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence satisfactorily explained.

Accordingly, Applicant submits the attached declaration to establish invention of the subject matter of the rejected claim prior to June 28, 2001 of the Colsey reference on which the rejection is based. Furthermore, Applicant submits written invention disclosure ID No. CS10398, which was drafted prior to the June 28, 2001 effective date of Cosley, after which the present application was prepared with diligence until the December 21, 2001 filing date.

Thus, the subject matter of the rejected claims was invented prior to the effective date of the reference or activity on which the rejection is based.

Serial No. 10/037,015

Page 7

Therefore, Applicants respectfully submit that claims 1-17 define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102.

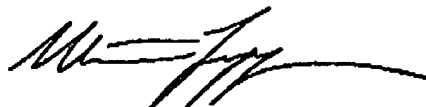
### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



Matthew C. Loppnow  
Attorney for Applicant  
Registration No. 45,314

Dated: May 23, 2005

Phone No. (847) 523-2585

Fax No. (847) 523-2350

Please send correspondence to:  
Motorola, Inc.  
Intellectual Property  
600 North U.S. Highway 45  
Libertyville, IL 60048